

# COBBETT'S WEEKLY REGISTER.

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TO THE

## HAMPSHIRE PARSONS.

*On the present prospects with regard to their temporalities; and on the affair of the Right Reverend Father in God and the Soldier of the Guards, more particularly as that affair is illustrated by the trial of Byrne in Ireland, in 1811.*

—  
Worth, Sussex, 6 August 1822.

PARSONS,

"THE PSALMIST" says, that there is a *time for all things*. There was a time for you to set up a cry against "*sedition and blasphemy*;" there was a time for you to insult us with Jubilee and Old Blucher rejoicings; there was a time for you to badger and bait and worry the sellers of my Register, though their pursuit was

as lawful and full as useful as yours; there was a time for you to meet at Winchester, to make a bawling, a hooting, a howling and a yelling, such as no man ever heard before, in order to drown my voice and that of Lord Cochrane, and so to behave, in all manner of ways as to induce that Noble Lord to say, in the House of Commons, that, in the whole course of his life he had never seen the *equal* of you, even amongst sailors on the Point at Portsmouth at the time of paying off the fleet; there was a time for all these, and many more, things, done by you, and now there is a time for me, one of those who have the best reason to dislike you, to talk to you about what I think will befall you and your dear *temporalities*; and to talk to you also about the Right Reverend

I.

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*Father in God* and the Soldier of the Guards ; and to show you how the Father in God's piety was illustrated on the trial of poor Byrne in Ireland, in 1811. You are the properest persons in the world for me to address myself to upon this occasion ; for, if I except your brethren of Lancashire, I know not your equals in the whole Kingdom, as foes to *Reform* and to *Freedom of the Press*.

And now, first of all, what have you *gained* by all your hostility to freedom ? You succeeded in putting a stop to the free circulation of the Register in 1817. You and others like you succeeded in your works against those whom you charged with "*sedition* and *blasphemy*." The dungeons have groaned ; they have witnessed suffering indescribable. But, what have you *gained* ? Strange sight to behold ! Mr. CARLILE, his wife and sister safe in dungeons, fined enormously, himself sentenced to *bail for life*. JOSEPH SWANN imprisoned by the Justices of Cheshire for *four*

*years and a half*, leaving a wife and four small children to beg or starve ! Strange sight to behold ! *Six-Acts* passed, printers held to bail before they enter on their business ; presses all *registered* and *licensed* ; the price and bulk of pamphlets regulated by law ; bail for the peace and good behaviour even before the charge of libel proved ; John Hayes put into prison for ten weeks for *want of bail*, only because he informed his townsmen that I was arrived at Liverpool in good health ; the Yeomanry and Magistrates of Manchester *thanked* by Sidmouth : all these things ; and when every danger to you and the THING seemed to be got completely over, up rise dangers ten thousand times greater than ever, and, in the very Parliament itself, the question is mooted, when and how the attack on your temporalities is to commence !

Before I go any further, let me call you back to March 1817. You shall be told of that as long as I live, or, at least, if any of

you be left where you now are. We were then assembled at Winchester to address the Regent on the *breaking of the glass* of his coach in the Park. The whole of that pretty affair will come out yet. You had got your Address, which was *rejected* by the people; but, *carried up by the sheriff*, WILLIS, who is now called FLEMING. The particulars of the scandalous proceedings of that day are recorded in the Register, where they will long live to record the character and conduct of *Hampshire Parsons*. But, one thing happened which now steps forward for particular notice. Your Address called on the Meeting to pledge themselves to the support of our "*Holy Religion*." To this I objected, because many of the persons present were *Dissenters*; and could not consistently pledge themselves to the support of that which they were constantly endeavouring to *abate*. But, as to *tithes*, the law compelled us all to pay them; and, if the Meeting liked them, as

perhaps, they might, and, as the *tithes* were really what you meant, I had no objection to their pledging themselves to support the *tithes*; and, to this effect I moved an amendment.

The noise, the bawling, the spitting, the hooting, the bellowing, the uproar that you made upon this occasion the people of Hampshire will never forget. I remonstrated with you, told you that you stood in your own light, for that the *tithes* were really the things in danger; and that you, above all men, ought to be for a reform, that measure, and that measure adopted *immediately*, being absolutely necessary to preserve to you any portion of that fat which had been sticking to your ribs for so many years. I told you distinctly, that, by that day *four years* you would discover, that you had now been cutting your own throats. That four years ended in March 1821; and, if you did not make the discovery by that time, you must have been blind indeed.

Now, the question has actually been brought forward in *Parliament*. Yes, in that very parliament which you asserted was the *best thing in the world*, it has now been plainly proposed to touch your temporalities; and, that they will be touched, and pretty deeply too, no rational man has any doubt. That this is *just* in a *legal* point of view nobody can deny; and, that it is *just* in a *moral* point of view is still, if possible, more evident. The Debt was contracted to carry on the late wars; those wars were carried on at the instigation of several classes of persons, but the persons who really caused them to be carried on were those who *filled the seats* and those who possessed the *tithes*. All those who objected to the wars; all those who represented the evil consequences that must arise from the *Debt* that the wars were creating; all those who refused to rejoice at what were called *victories* purchased with the loans that constituted that Debt; all those who said, that a day of reck-

oning must come, were *reviled by you*. You, and your whole body, were *always* for the war. Even the seat-fillers seemed, at times, to be alarmed at the consequences; but, *you* were always for *fighting on!*

For more than a quarter of a century all your petitions, addresses, charges, and sermons breathed vigorous prosecution of the war abroad and rigorous treatment of the "disaffected" at home. You had been heard by us, from our infancy, denouncing the Catholic religion as *idolatrous* and *damnable*; we had heard you denominating the Pope as *Anti-Christ*; we had heard you call him the *Whore of Babylon*; the *Scarlet Whore* drunk with the blood of the saints; we had heard you going on at this rate from our infancy; what were we to think, then, when we found you mad with zeal, burning with rage, for war against those who had *put down* the Catholic religion and the *Whore of Babylon*? What were we to think of your



motives? Here, if you had told us truth from our infancy; here was a *great good* accomplished. You had been preaching and praying against this *Anti-Christ* for about three *hundred years*; and, when some men arose, and *put him down*, actually unhorsed him, you cried out for a *war of extermination against those men!* And, what is more, you supported, with all your might, those who voted immense sums of money out of English taxes to be given to support the fugitive priests of "*Anti-Christ.*"

It was impossible that we should behold a thing so singular and so striking as this without *reflecting* on it; without looking a little deeper than the surface. You called the French people *rebels* and *atheists*, and reviled them particularly for having abolished the "*Christian religion*;" and you called on us to make war against them *on that account*. It was curious enough, that the religion of "*Anti-Christ*" now became *Christian religion*; and, if

it were true, that the French had become *Atheists*, it did not seem possible, that the change, according to your former teachings, could have been for the *worse*; for, though Atheism might be *very bad*, it remained for you to prove, that it could be *worse* than that "*damnable*" thing that existed before it. Atheism might cause men to be damned, but what could it do *more* to them? And, therefore, it seemed the strangest thing in the world, that you should imbibe so implacable a rage against the French people. They had a "*damnable*" belief before, and they had no more now; and, as they had begun to *change* at the end of twelve hundred years, they might go on changing possibly till they came *right* at last. And yet, you, upon their very first change, upon their very first shaking off *Anti-Christ*, denounce against them the vengeance of exterminating war!

To find a solution of conduct so strange would appear impossible; but, let us try it. The

priests of "Anti-Christ" had *tithes*; (Ah!) and those *tithes* were abolished by the "Atheists!" Oh, naughty "Atheists!" But, here we must go *back* a little. Read my 12th Sermon; a better sermon than any of you ever wrote; a sermon read more and more productive of effect than all that the whole of you have preached during your whole lives; a sermon that shows, that *tithes* are not necessary to produce sermons. Read that Sermon, which has been circulated to the amount of *twenty thousand copies*, notwithstanding *Sidmouth's Circular* and the *Six-Acts*. Read that Sermon, fire-shovel-hat men; read that, and then you will discover, that the whole nation sees pretty clearly, that the *tithes* in England and Ireland were given, originally, to the priests of what you called an "*idolatrous and damnable*" religion, which priests were supplanted by you in the enjoyment of those *tithes*. If those priests had not been very bad, had not been the teachers of a

false religion, there could be no reason, no good cause, for taking the *tithes* from them and giving them to you. But, seeing that they followed "*Anti-Christ*," there was quite sufficient reason for this memorable transfer.

But (and now we come to the touchstone!) the French made no such transfer! They put down "*Anti-Christ*," but they put down *tithes* too! This was their crime. They abolished *tithes*; they turned out the lazy impostors called "*regular clergy*," who were regular in nothing but in gormandizing, drinking, and wallowing in all sorts of luxurious vices; they freed the land of its greatest curse; they drove away the vile drones and left the bees to enjoy the honey of their own collecting; these things the French people did, and they were called "*Atheists*," and their former priests, instead of being still called priests of the Whore of Babylon, became all of a sudden, "*Christian Priests*!" That religion, which was before "*idolatrous and dam-*

nable," now became an object of affection with those who had so foully abused it, and we were to be at the expense of a war of extermination to cause it, and all belonging to it, to be re-established! The French were enemies of *all religion*; that is to say, enemies of *all tithes*; and, whoop! for war until they were punished!

There is not a man in England who has only a moderate portion of common sense, who needs to have said to him another word upon this part of the subject.

Well, then, on went the war. To carry it on without *loans* was impossible. To suffer a nation to abolish nobility and *tithes*, and to remain in *that state*, to be happy in *that state*, was a thing not to be thought of. No matter, therefore, what the *cost*. No matter what *Debt*, or how to be paid. The day of reckoning must, now and then, have been thought of; but, that was nothing when compared with the effect of the terrible example. The day

of reckoning is, however, now come; and (oh, how just is God!) it is come while the French people are enjoying the *abolition of tithes*, and also the abolition of all those privileges which made nobility a curse. The French nation is enjoying all the fair fruits of its valour and wisdom; all the fair fruits of its wise and just abolitions, while this nation is torn and distracted by the *Debt* and the other intolerable burdens of that very war, which was kindled and persevered in to cause the example of those abolitions to be of no effect here.

These burdens have now to be borne, or to be got rid of. To bear them without a transfer of the land from the present owners (unless they be tax-eaters too) is impossible. The *Debt* is clearly ascribable solely to the war. The *Waterloo charge*, or what the Ministers call the *dead charge*, is also expressly the fruit of the *tithe-war*. They take care to say this. They take care to distinguish this charge from the *charge*

of the year. They call it, and justly call it, *Debt*. Thus, then, out of the *sixty millions* of taxes, *forty millions*, at least, is due to the war. To pay in gold, or something approaching it, is now absolutely necessary; for, if you do not, the **THING** is done for the *other way*. And yet, *to pay* means *something*. It means the *transferring of estates*, the whole of which must, with the present taxes, go to the creditors of the 'Change, those of *Waterloo*, and to the *tax-eaters* of various descriptions.

What, in such a state of things, are the *landlords* to do? Deduct from *Jerusalem* or from *Waterloo* they cannot *without reform*. Deduct from the *Horse Guards* they cannot, while all the rest is to be paid for. Deduct from *Whitehall* they cannot, that is to say, from placemen, pensioners, and other Civil List people; for these are the grease and tar of the wagon of state. What, then, are the *landlords* to do? They must look about them, to be sure, to see whether there be no *public property* that

can be *disposed of*, in order to pay the Debt without selling their own estates for that purpose. And, what public property is there so clearly "*available*" as that of *tithes* and other things belonging to what is vulgarly called "*the Church?*" This, therefore, will be applied to the purpose, of course; and, indeed, there is notice of a specific motion on the subject, to be made *early* in the next Session of Parliament!

This is so reasonable, so natural a measure, and withal so *popular*, that it will be sure to meet with no impediment worth speaking of. It is a measure that every body is for, except the Clergy themselves. It will be *curious*, to be sure, to see the tithes applied to the discharge of a Debt, contracted to carry on a war of extermination against tithe abolishers; but, this will not be the first instance of appropriate retaliation which the history of nations has presented to obstinate man. This was the way in which the *French paid off their Debt*. They gave the own-

ers of *funds* that which had been the property of the Church; that is to say, public property given for the support of priests. It is very well, perhaps, to bestow ten or fifteen millions a-year in this way, when a nation is *rich*; when it does not know what to do with its money. But, when it is poor; when it does not know what in all the world to do for want of money to pay its debts with, it would be foolish indeed to give a large part of its revenues to men, who teach a religion that inculcates abstinence from all fleshy and worldly enjoyments, and the priests of which declare most solemnly at their ordination, that they will not follow worldly desires.

As to the *sacredness* of tithes, that might, with some colour of reason have been put forth in France, and Spain, and Portugal. But here, thanks to that glorious and Godly Reformation, which delivered us from the idolatry of Anti-Christ, no such objection can possibly be urged without exposing the objector to the charge of

raving madness. My 12<sup>th</sup> *Sermon* will show you, that what is artfully called Church Property has no foundation in the Holy Scriptures; that Christ and his Apostles held the contrary doctrine, and taught by their example. It will also show you, that you have no claim to tithes or to any sort of Church goods, except in virtue of *Acts of Parliament*. And, if Acts of Parliament could take, and did take, the tithes from the priests of "Anti-Christ" and give them to you, Acts of Parliament can, surely, take them *from you* and give the proceeds of them to pay off debts, which that same Parliament, and with your decided approbation, has contracted with the 'Change and with Waterloo.

On the score of any heretofore supposed *sacredness* in the thing to be dealt with there is, therefore, no difficulty; and, as to *equity*, what can be more equitable, than to pay with *public property* the debt due to the "*public creditor*?" Where would "*national faith*"



be, unless the nation paid as far as its means would allow? Who could have the assurance to talk of "*national faith*," if this large parcel of *national domains* were suffered to remain in your hands, while those who "*lent their money, or shed their blood*" in the cause of our "*holy religion*" were to be suffered to perish for want? This Debt, for "*money lent, and blood spilt*," was contracted for the sake of our *religion*; or, at least, this was what *you told us*. So that, if you told us true, what can be so fitting, as that the debt should be paid, as far as they will go, by the *tithes*? GEORGE ROSE, your old friend, who *throve* so surprisingly during the war, told us, in a *set pamphlet* written for the express purpose, that we should think nothing of the *cost* of the war, be that cost *what it might*; for that it had preserved us from "*Atheism*," and retained unto us the "*enjoyment of the blessed comforts of religion*." Very well, then. The loss of the *tithes* will not take these "*comforts*" from you. You will retain them still, and, I dare say, in greater abundance than ever. There will be no hinderance to your preaching and praying, and, as the Apostle directs, "*working with your own hands*," that you may not be chargeable to any."

I must not omit to observe to you, that, besides the *tithes*, immense as is their amount; besides these and all the other good things which are called *Church Property*, there were, voted out of the taxes, a *hundred thousand pounds a-year*, for the relief of the *poor* clergy of the Church of England! This was done for *twelve or fourteen years* successively. Now, these sums *must* have come out of the *loans*; for the taxes never were sufficient to cover the annual expenses of the Government. Is it not just, that these sums, at any rate, should be *paid back* by you and the rest of the Clergy of the Church? Enormous is the amount of the *tithes* and *glebes* and other public pro-

perty possessed by you; and, though the Parliament did add these twelve or fourteen hundred thousand pounds, cannot the Parliament take it back again?

Whether *religion* would lose by this application of the revenues of what is called the Church, we shall be better able to guess presently, when I have taken a review of the trial of *poor Byrne*, as illustrated by the recent transaction of the Right Reverend *Father in God* and the *Soldier of the Foot Guards*; but, I cannot dismiss the subject of your *temporalities* without adverting, for a moment, to the late affecting ejaculations of "*Lockhart the Brave*," who was so unmercifully *hissed* at that very meeting, at Winchester, of which I have spoken above. He was your mouth-piece upon that occasion; and a poor hand he made of it. He now foresees "utter ruin and degradation to that *venerable* body," which he then bawled for in vain. It is useless for him to foresee, and it is childish in him to lament.

Is he prepared to say, that you are to keep the tithes, *though no rent be paid to the landlord*? Is he prepared to say *that*? If he be not, it would be much better for him to turn popish priest, and administer to you the *extreme unction*; and a pretty smart parcel of it you will want, I can tell him. And, do you really expect, that the landlords will quietly walk off and leave you to enjoy all that farms yield besides the taxes, rates, wages, and tiller's food? If you can persuade the landlords to do this, I will say you are clever fellows; but, I do not believe it. However, which of you go down *first* is of no importance at all in my view of the matter. Convinced that all *must* now be done thoroughly; convinced that Peel's blessed Bill will *thoroughly purge the floor*, I am quite easy as to the result, and the *time* and *manner* are things scarcely worthy of notice. When any step of importance is about to be taken, relative to your affairs, I shall be *with you*; and

never fail to remind you of your conduct at Winchester in 1817.

I now come to the second branch of my subject; namely, the affair of the Right Reverend *Father in God*, the Honourable Henry Jocelyn, Doctor of *Divinity*, Lord Bishop of Clogher, and Commissioner of the Board of Education, and the Soldier of the Royal Regiment of Guards, more particularly as that affair is illustrated by the trial of *James Byrne*, in Dublin, on the 28th of October 1811. This affair, as *illustrated by the trial*, is by far the most important that has been brought before the people of this kingdom for many years.

When it has happened, that any man amongst the *Reformers* has turned out to be a villain, or rogue, in private life, what outcry has been set up by you all! The instances of this sort, numerous as the reformers are, have been *very rare*; but, whenever they have occurred what a clamour they have given rise to

“*There!*” you have exclaimed: “*there*; see *what their principles lead to!*” I am not going here upon vague assertion. Look into the two *Reports* of the *Collective* of 1817, made preparatory to the passing of *Sidmouth's Power-of-imprisonment Bill*. In those memorable Reports, it was asserted, that the reformers met together, drank *smutty* and *impious* toasts, and sang songs of the same description; that their politics led to a dissoluteness of *morals*, and to an accompanying *disregard for religion*. This was all very pretty; but it was the foundation of laws to gag the press, and to enable *Sidmouth* and Co. to shut up in any prisons that they pleased any body that they pleased. No *proof* was produced of these charges; the Reports were made by *secret* committees, and when, by petition, proof of the *falsehood* of parts of the Reports was tendered and requested to be suffered to be produced *at the bar of the House*, such proof was *not suffered to be produced!* No names of the

guilty parties were mentioned. No opportunity for *defence*. No time allowed for the people to *petition* against the terrible measure. A dungeon, or flight, was the lot of every man, who was thought formidable to the THING.

Now, we do not proceed in this way with regard to *you* and the Right Reverend *Father in God*. We are *specific* in what we allege; we proceed not an inch without *proof*; and we give *names* and precise acts. The trial of the unhappy *Byrne* affords us a *specimen* of great value to us. I shall now take it, lay it before you, or, rather, thrust it up to your noses; and, at the same time, bid you remember *Winchester* in 1817; bid you remember, too, the *Tracts* of the "*Society for Promoting CHRISTIAN Knowledge*," in which *Tracts*, I am calumniated, and by *name* too, in the foulest manner. This mode of "*promoting CHRISTIAN knowledge*," is pursued by the Clergy of the "*Church, as by law established*." The sly and

sleek *Rivingtons* are their *Tract-sellers* and *Publishers*. Let them sell the *Tract* relating to the *Bishop and the Soldier*! In short, you have fought *against reform* with the *weapons of religion*; when we have called for the abating of political corruption, you have charged us with *blasphemy*. But, above all things, this has been your constant assertion, that, to hold your principles as to religion was absolutely necessary to ensure *good morals*.

We have recently seen, in the conduct of the Bishop, who had, according to his consecration, *received the Holy Ghost*; we have recently seen what effect religion had on *his morals* in London: let us now see what effect it had on his morals *eleven years ago*, when he was bishop of *Ferns*, and before he had received his *last promotion*. The account of the trial reaches us through the Irish newspapers. It is very short and imperfect. The charge against *Byrne* was, that he had *propagated a report* about the Bishop.

It does not say *how*; but, it would seem that it was *by letter* to one of his relations, the *Honourable* John Jocelyn, and also by statement to the then *Lord Mayor of Dublin*, for, it seems, that the Lord Mayor produced a written account of this statement in Court at the trial! In a case of *misdeemeanor* this Lord Mayor takes the *examination*; nay in a case of *private libel*, this Lord Mayor takes the examination of a *defendant*, and he brings that into Court to be evidence against him!

This appears to have been the nature of the whole of the evidence, except that of the *Bishop himself*; yes, except that of the *Right Reverend Father in God* himself, which will be found very *interesting*. You "Spiritual persons" are very tenacious of *titles*. You, in your formularies, published by *Rivingtons*, bid us say, The *Most* Reverend the Archbishops, The *Right* Reverend the Bishops, The *Very* Reverend the Deans, The *Reverend* the Priests and Deacons. I will not, there-

fore, disobey you. The *Right* Reverend shall have all his titles, please God; and especially while I am remarking on the evidence he gave upon this occasion.

Before the trial began the *counsel* for poor BYRNE, the conduct of which "*counsel*" was very pretty too, as we shall presently see; so that the *Law* comes into the thing as well as *t'other branch*; the "*counsel*" for this poor man offered an *affidavit*, showing reasons why the cause should be delayed; and we will, if you please, begin with this affidavit, made by Mr. HENRY WALKER, Attorney for Mr. BYRNE, which was in the following words:

This Deponent saith, that about 16th October inst. deponent, on part of Traverser, offered two Housekeepers of the City of Dublin, each worth upwards of 100*l.* as deponent was informed, and believes, as bail for the Traverser, but which bail the Right Honourable the Lord Mayor, (who committed the Traverser to Kilmainham Gaol) refused to take, wherefore deponent was deprived of the assistance in preparing for his defence, that he could obtain from the Traverser, if he had had his liberty, as deponent verily believes. Saith, that about the 22*d* of October inst. deponent caused the Traverser's case to be laid before counsel, whose opinion



he was not able to get until the 26th inst. and said Counsel having advised that it would be necessary to summon witnesses, one of whom, named Patrick Leonard, and whose testimony would be very material for the Traverser, as deponent believes, lives or resides fifty miles from Dublin, as deponent is informed and believes; deponent could not have had witness served in due time so as to procure his testimony in this Honourable Court, or to have briefs prepared for Counsel, from the shortness of the time between getting Counsel's opinion and the day appointed for the trial of the Traverser, more especially as deponent has been informed and believes, that the indictment found against the Traverser contains upwards of 300 office sheets. Saith, he has been informed, and believes, that some papers which would be material for the Traverser on his trial, were taken or kept from him by the Lord Mayor at the time of his committal, and which deponent was not able to procure, although he, by the advice of his Counsel, wrote to his Lordship, and caused application to be made to him for them. And said deponent will use his best endeavours to procure the attendance of the said Patrick Leonard at the next Commission, and saith this application is not made for the purpose of delay merely, but to have an opportunity of procuring the attendance of said witness."

Now, mind, this is a statement on oath. What the Lord Mayor said about the papers, of which this affidavit speaks, you, Reverend Sirs, will presently see. But, let us pause a little upon the other facts in this statement. *Bail!* What, bail for *private libel*, and

before trial too? And before the passing of *Six Acts!* Was such a thing ever heard of before? Was this law? Oh! but the Lord Mayor would not take *any bail*: he sent the man to *gaol*. Bail was offered; but, he would not take even *good bail* in a case of *private libel!*

How different the conduct of our Mr. Dyer! He had the "*Bill of Rights*" in his eye, the *New Times* tells us. He was compelled to take bail of the *Bishop*. The "*Liberty of the subject*," the *New Times* says, compelled him to take bail. The "*Bill of Rights*" was in full swing at Marlborough Street; and, really, if it were not to be guilty of "*blasphemy*," I would call this the *Right Reverend Bill!* Our Mr. Dyer, on the showing of Mr. *Alley*, took bail at once; without any hesitation; or, at any rate, with very little loss of time to the Right Reverend Father in God!

Mark, besides, Reverend Sirs, what the affidavit says about the time allowed poor Mr. BYRNE and

his Attorney. Mark, in short, the whole of the statement in this honest Attorney's affidavit; and, when you have well considered it all, read the following account, imperfect as it is, of the trial. You see, Reverend Hampshire Parsons, that the account is very short; that a great deal is suppressed; that poor Mr. BYRNE's "*counsel*" **FLUNG UP THEIR BRIEFS!** Oh, God! But, let me poke up the trial under your noses before I make any further remarks on it. Watch, I beseech you, Reverend Sirs, the speech of the *Solicitor General*, who is now the *Lord Chief Justice in Ireland*; mark his praises of the "*noble stock*" of the *Father in God*.—But, I am anticipating; and must now insert the account of the "*trial*," which took place at a Commission of Oyer and Terminer in Dublin, on the 28th October 1811.

JAMES BYRNE stood indicted on two separate charges:—For having himself devised and published a libel, accusing the Bishop of Ferns of an attempt to commit an unnatural crime; and having joined in a conspiracy, the object of which

was to villify the Bishop by calumnies of that nature.

Counsel for the prisoner offered an affidavit showing reasons why the case should be delayed, that certain writings necessary for evidence had been withheld by the Lord Mayor on the prisoner's examination before him; that, although prisoner had offered bail on his commitment being first proposed by the Lord Mayor, his Lordship did not think proper to accept of it, which circumstance had not allowed the prisoner's attorney to make the necessary preparations; and that Patrick Leonard, a man whose evidence was material in the case, was at such a distance from Dublin as to make it impossible for him to be produced.

It was stated, however, by the Lord Mayor, that there had been no papers of the prisoner's detained by him, and it was stated by the Solicitor-General, Counsel for the prosecution, that Leonard, so far from being at an inconvenient distance, was at the moment in the Court; that there could therefore be found no proper cause why the trial should be delayed.

The Jury was therefore sworn.

The SOLICITOR-GENERAL rose, and proceeded to the following effect:—

Gentlemen of the Jury, from my knowledge of the circumstances of the evidence, I do not doubt but I shall be able to connect the whole for your examination in such a manner as will enable me to support the indictment, and leave no doubt upon your minds of the commission of one of the most profligate and detestable crimes that ever disgraced human nature. We have frequently heard of the unnatural guilt of which mention is made in the indictment, but it is one which we have hardly or never had occasion to have *one's feelings shocked with*; and though from the proximity of a

neighbouring Isle to the Continent of Europe, and the great facility with which the corrupted manners of the Continent are introduced, the instances *there are not a few*, the contagion *never yet has reached us*, and there is no instance of its existence in the memory of any professional man. Much less have we been even called upon to witness a crime if possible still more horrid, and still more humiliating to human nature, the shocking criminality of *falsely imputing* to an innocent person the guilt of that disgusting and unnatural offence. In England this is a practice which has been frequently adopted, and, I lament to say, with too frequent success, *in order to extort money* from those who the wretches supposed would rather pay any sum which might be demanded of them than have their names even come into contact in a public Court with such a crime; and it is well known that this practice has grown into such frequent use, that wretches have been known to gain a subsistence by the means of it, and it was found necessary to enact a law *in that country* inflicting the severest punishment upon those who so far degraded themselves. It never will be considered by us a matter of misfortune that such a law has not been enacted in this country. We may congratulate ourselves that necessity has never yet called for it, and that our island has been hitherto free from such humiliating criminality.—But the instance is aggravated. The accusation is made upon an exalted and venerable character, who, though raised to one of the highest dignities of the Church, is still *less exalted by his rank than he is by the uniform piety of his life*, and who ennobles by his virtues that high station which, without them, would only place him as a fitter mark for the shafts of obloquy. He is of a family of high rank, distinguished in every rank for the generous, noble,

and beneficent conduct, which ought to characterize those who are placed in a situation which makes them have an extensive influence by their example and services upon society, and whose feelings could in no way be more severely branded than by an imputation of the slightest wavering from the paths of rectitude in any of its members.

The Learned Gentleman, having at great length stated the manner in which the prisoner had made the charge, continued.—“I do not think I would do justice to the respected and revered character of my client, by saying I have evidence to disprove what *this miscreant* has uttered—when I think of a man whose rank shed a lustre upon him, adored by all those who know him for those virtues—on the Reverend bench which he adorns never sat a man of more exalted honour. I would call the attention of the Jury to every act of his life, and they would find them marked by the display of virtue, piety, and benevolence. When I consider the noble family to which he belongs, so numerous, and so beloved—when I look upon the head of the family, so great and estimable in character—when I consider how his life has been employed; a life repeatedly and voluntarily risked in defence of his country; when I consider the other noble branches of this stock, and reflect upon the unsullied purity of their sires; I should apologize for saying that there is the most undeniable evidence to prove, that every tittle which this most atrocious wretch has alleged is utterly false. I am sure I may safely claim for the Bishop the thanks of the community, because he was to have been the first victim of the accursed conspiracy. In England some of the first characters have yielded to it; it has become a frequent offence, and but few have had the firmness to oppose it; to this Noble family, there-

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fore, the public are greatly indebted; and if the Bishop had compounded his own honour, I knew not the man who could resist. Now from all the facts which have been proved, I anticipate your ready verdict."

The Honourable John Jocelyn was examined, and proved all the facts in which he was concerned, as stated by the Solicitor-General; and he identified all the letters he had received from the prisoner. On his cross-examination by Mr. RIDGEWAY, said the letters were all sealed when they came to his hand, and they were received in the county of Louth.

The Lord Mayor gave evidence to the examination which took place before his Lordship, and handed in a written statement of what the prisoner had said in his presence, which was made by his Lordship's clerk, and read to the prisoner, who acknowledged it was correct. His Lordship observed, that there was a savage ferocity about him that never was surpassed.

His Lordship was cross-examined by Mr. WALLACE, relative to his authority and jurisdiction for interfering in cases between master and servant.

Here the statement made by the prisoner was given to be read, but its tendency was such that it was not made public.

Mr. Johnson, attorney, proved the payment of wages to the prisoner, &c.

The Hon. the Lord Bishop of Ferns examined:—

Witness remembers to have met the prisoner in Sackville-street. Prisoner passed witness, and took off his hat; he asked him if he had left his master—he said he had; desired him, as witness had but one servant in town, to come next morning to wash the carriage. On Thursday morning witness went to the stable, and saw pri-

soner on the top of the carriage, cleaning it; the carriage, at this time, was half in the lane; witness did not remain there at the utmost more than three minutes, and a half; did not see him again that day; called next morning, which was Friday, and gave him a letter to take to the Rev. Mr Harpur, Monkstown; did not see him then more than four or five minutes, when he desired him to bring post-horses to leave town the next morning—did not see him again that day. Witness, in the course of Friday, found that a letter he had written to Mr. Merge to the country, did not reach him until the day after he expected it would, and therefore he could not leave town on Saturday, as he intended. On Saturday morning, when the post-horses came, he desired them to be sent away, and directed that the prisoner should be sent in, to be paid for what he had done that morning, when the witness gave him some silver. Prisoner did not remain in the room more than five minutes, and never was in the room after. Witness left town, AFTER CHURCH, the next morning.

Question by the SOLICITOR-GENERAL—Did your Lordship take or use any indecent familiarity with his person?—No.

Did your Lordship use any obscene or indecent conversation with him?—I did not. I am not in the habit of doing so.

Are the contents of that paper, which contains his charges against your Lordship, true or false?—His Lordship rose, and in the most impressive and dignified manner placed his hand upon his breast, and said "false."

Here the Counsel for the prisoner declined to cross-examine his Lordship, and, intimated to the Court THAT THEY HAD GIVEN UP THE CASE.

Mr. Justice Fox then proceeded



to pass sentence to the following effect—

James Byrne, you have been found guilty of a libel against the Bishop of Ferns, imputing to his Lordship an attempt to commit what is emphatically called an Unnatural Crime. You have also been found guilty, that, not confining to your own breast the horrid malignity of your mind, you did conspire, with others unknown, to impute to the said Right Rev. Prelate the horrid charge. I really am obliged to pause for words to express in any adequate terms the feelings of my mind—feelings which are painted in the countenances of every person in the Court, at the extreme audacity of hardened guilt, that could induce you to impute a crime of this nature to such a man. I speak not to you for the purpose of exciting contrition, for it is impossible but that a heart which could imagine—a mind which could mark for destruction—a character of such sanctified purity, must be utterly impenetrable to shame. You have caused an exposure in this Court of a crime which can scarcely be thought of without horror and amazement—you have sought to asperse a Clergyman of the Established Religion, raised by his Sovereign to the highest station in our Church—elevated still higher by those virtues which are not made known by the casual ebullition of a day or of years, but by the whole period of a life devoted to the uniform exercise of every duty which becomes a man and a Christian—elevated by religion and education, and by those principles which, if he departed from them, would have made his guilt greater than that of ordinary men. *What motive could mark out to your mind an individual so exalted, to whom you were scarcely known, and with whom no probability of such an intercourse could exist? You have acted with a degree of guilty phrenzy, with horrid and unprincipled villany,*

*and, soaring above all idea of probability of being believed, you have given vent to so wicked a calumny that no idea is too horrible to be formed of you. That you, not the servant of the Bishop of Ferns, should be so infatuated as to expect that you should for a moment make it be accredited that guilt of such a nature could make its way into such a mind, is astonishing, and I believe your effrontery is unprecedented. It may be, that you have been advised to do so, and how could the wicked folly of advice induce you to attack an individual so unassailable, whose character would be sufficient to repel such a charge? Your crime is aggravated, if possible, by your attempt to involve the malignity of your calumny into the private feeling of a Noble Family, so justly and so universally beloved. Under such feelings they acted consistent with the whole tenor of their lives. They have come forward to give evidence at the expense of those feelings which they must be more than men if they did not possess—they did not enter into a compromise with your villany—but they boldly stepped forward to meet your charge in a Court of Justice. The sacred person who was the object of your malignity has unnecessarily produced himself in this Court, to give the sanction of his name and his virtues to an investigation of a charge which aimed against him the most deadly injury. It has already been mentioned that terror has frequently influenced the minds of men under charges of this kind to yield to the demands of miscreants. I mention this to contrast the dignity of mind, the purity of sentiment of those who disdained any compromise with guilt. That Noble Family possess an honourable ascendancy in this country, and never did they earn their high reputation better than when, instead of yielding to the threats, they dragged them into light, to deter other miscreants. It remains*



for me to pronounce the sentence of the law which your crime is to be visited with; I regret that I cannot make it more adequate to your guilt, but it is necessary that you should feel, for the purpose of deterring others from following so bad an example.

Your sentence is, that you, James Byrne, be imprisoned in the gaol of Kilmainham, for two years, from this date; that you are to be whipped three times at such periods as I shall appoint: and at the expiration of the two years you enter into security for your future conduct, *yourself* in 500*l.* and *two sureties* in 200*l.* each.

Counsel for the Crown.—The Solicitor General and Messrs. M'Cartney, Parsons, Joy, M'Nally, and Green.—Agent, Mr. Guest. Counsel for the Prisoner.—Messrs. Ridgeway and Wallace.—Agent, Mr. Walker.

FROM THE PAPERS OF MONDAY,  
NOV. 4, 1811.

Byrne, the person who preferred the unwarrantable charge, of which our readers are already aware, against the Bishop of Ferns, received a *severe flogging* on Saturday, as *part* of a punishment he had been sentenced to endure for the flagrant act.

There it is, Reverend Sirs! Chew the cud on it! Take a turn; and now look at it again. The thing is so very complete, and the public are so enlightened, as to the matter, that I do not feel disposed to make remarks on this valuable paper at any length. But, it is impossible not to look a little at certain parts of it. And

first on what is said about the "*noble stock*" and the *head of the family* of this paragon of "*virtue, piety and benevolence.*" It is quite misfortune enough to be in anywise related to such a man; but, when the character of *his family* is put forward, as it was here, by the *Judge* as well as by the Pleader, we have a right just to observe, that this head of the family, the brother of the Father in God, the late *Earl of Roden*, held, during the greater part of his life, *two sinecures*, namely, *Auditor General of the Exchequer*, and *Searcher and Gauger of the Port of Galway*, which I think (for I have not the book at hand) yielded him about *five thousand pounds a-year!* So much for that; and not another word respecting it is wanted.

As to the rest of this "*noble stock*" I, at present, do not know much about them; but, I will endeavour to know *what* they are as to "*public services,*" since the "*learned gentleman*" thought proper to bring forward those ser-

vices, in order to weigh against poor *Byrne*. As to the speech of the *Judge* it is so much like so many that we have heard on other occasions, that it is worthy of no particular notice, except as it contains a hint or two that might, one would have thought, have suggested themselves to the "*counsel*" for the prisoner. The *Judge*, addressing himself to *Byrne* says: "What *motive* could mark out to your mind an individual *so exalted*, to whom you were *scarcely known*, and with whom no probability of such an intercourse could exist? Your conduct is *astonishing*."

Astonishing indeed, if the charge of *Byrne* were *false*! To have made such a charge *falsely*, under such circumstances, the man *must* have been *mad*; and he was *not mad*! Was there nothing *here* for the "*counsel*" to work on? Could they not find a word to say? Was the bold *pertinacity* of *Byrne*, which the *Judge* called *effrontery* and the Lord Mayor "*savage ferocity*;"

was this nothing in the way of presumption in *Byrne's* favour? What *motive*, indeed, could he have but *indignation*? What could induce him to think that the story would *be believed*; what, but that *he knew it to be true*? Is it not manifest, that, the *more incredible* a thing is in itself; the *less likely* a thing is to be believed; is it not manifest, that precisely in proportion to its incredibility is the improbability of its being *deliberately hatched*? Hatched stories have always *plausibility* about them. If they be things *contrived*, they are furnished before hand with something in the way of props and supports. Some *truth* is generally taken as a peg to hang a lie on. But here there was no prop to the story. It was *true*, or it was a *hatched* lie; and the *astonishing* thing was, that it *should be hatched*. Yet, the "*Counsel*," the "*learned Friends*" could find not a word to say; and, the moment the Honourable and Right Reverend Father in God, who

they recollected, doubtless, had received the *Holy Ghost* at his consecration; the moment HE declared the imputation to be false, they flung up the cause of their unhappy client!

And now we come to his evidence. He was very particular in stating the *number of minutes*, that he was with the man. "*Counsel*" learned in the law could not perceive, that this *minuteness*, in this case, was something very wonderful. They could not see, that to recollect the *three minutes and a HALF* was a very surprising thing. They could not see, that *much time* was not necessary. And even the *Judge* does not seem to have perceived, that *BYRNE not being in the service of the Bishop* was a circumstance that rendered the story credible, because it rendered the *hatching* of it incredible. Was the *Soldier* in the *service of the Bishop*? Yet, if the *Soldier* had had the honest feeling of *Byrne* about him, just the same argument might have been used

against him. Badly, however, as I think of Lawyers generally, I do believe, that there might have been found Lawyers in *England*, who would not have declined to cross-examine the Bishop, and who would not have flung up their briefs, and, thereby, have acknowledged the guilt of their client!

As to the *swearing* of the Right Reverend Father in God; as to the *swearings* of this man, "*adored* by all those who know him for those virtues, and than whom on the *reverend Bench*, which he *adorns*, never sat man of more exalted honour;" as to his *swearings*, rising, at the time, "*in the most dignified manner*, and placing his *hand upon his breast*;" as to these *swearings*, they were absolutely necessary to self-preservation; but, the "*benevolence*" of the Right Reverend Father in God; that "*benevolence*" which Mr. *Bushe*, the Solicitor-General, ascribed to him in such large quantities; as to his "*benevolence*," look at him, riding home to his *palace* at *Ferns*

(but *going to Church first*;) riding home to his Episcopal Palace and leaving Byrne to be *flogged half to death*, and to pass *two years in a dungeon*, while his wife and children were starving! Only think of this "*benevolence*," Reverend Hampshire Parsons! Only think of this "*benevolence*" in the Right Reverend Father in God!

Well: but *bail* made part of the sentence. *Three floggings* (and the Soldier in the North was made to know *what flogging is*) and *two years dungeon*; but, *bail besides*. Aye, and almost as heavy bail as our *Mr. Dyer* took or this very Bishop himself, when charged, *on the oaths of seven witnesses*, of the very offence, "too horrible to be named," that Byrne had imputed to him! Five hundred pounds *bail for life* (for it is for *future* conduct) with *two sureties* in a bond of 200*l.* each! Within a hundred pounds of the sureties that *Mr. Dyer*, our *Mr. Dyer*, took for the Bishop! Where was Byrne, a *coachman*, flogged

through the streets, and coming out of a two years' dungeon, to get bail for 400*l.*? Where was he to get this? Accordingly the Irish papers state, that, at the *end of the two years*, he lay nearly *three months* in his dungeon for want of bail! And the *Bill of Rights* all the time in existence.

Thus, Hampshire Parsons, have I held this thing up to your noses, in return for many and many parson-like acts that I have received from you. It has been stated in print over and over again, that the Right Reverend Father in God is a Member of the Prosecuting Society, called the *Society for the Suppression of Vice*. This has not been publicly *denied*. He is very likely to be a Member of the Society for *Promoting Christian Knowledge*. Let those Societies publish the names of the Members. When *Mrs. Wright* comes up for judgment, she ought, if she find him to be a Member of the Prosecuting Society, to demand *an evtrial*; or, at least, to make a *grand stand* upon her old

ground; namely, that the profession of the Bishop is not inseparable from morality. That she will do her duty, there is no doubt. I do not agree with her in her notions about religion; but, I agree, most fully, with her as to her *right to publish* those notions, and I admire her constancy in maintaining them.

In the mean while, let me recommend to you, and to all Parsons, to read Mr. Carlile's pamphlet, the *Republican*, of the 2nd of August. It will do your very hearts good. Give it to your parishioners to read. They will find out a great deal from it; and they will not want to trouble you much in future. I expected that the fire-shovel hats would *get it* in that Number; and they have *got it*, and laid on with a heavy hand! It would have been out of nature, if *Dorchester Gaol* had been silent on such an occasion. The "*Tract*" gentry have *got a blow* too; and, it was high time. You may not perceive, perhaps, how this thing affects your *tithes*;

but, it does; and affect them deeply too. Every thing seems to conspire for the success of the measure which is to be proposed relative to those tithes; and, as this is the part, where you are *tender*, where you are *raw*, I like to touch it.

The following police report, from the papers of Monday week, is too good to be *lost*, and it cannot be in better keeping than yours. Take it, therefore, as another token of my remembrance of your conduct at Winchester in 1817.

BOW-STREET.—Saturday, William Butterfield, a *musician in the Guards*, and a *chimney-sweep*, both in the uniform of their professions, preferred a charge of assault, &c. against Mrs. McIntire.

From the evidence of Butterfield, it appeared, that in passing through New Round-court, in the Strand, that morning, while a crowd had assembled there, he met with the prisoner, and accidentally came in contact with her, upon which she assaulted him, and threw him against the *sweep*, and then raised the cry of "*the Soldier and the Bishop!*" and used many other gross terms, for which, more than the assault, the two complainants brought the prisoner before the Magistrates.

Butterfield stated, that he had



been thirty-six years in the army, and never until then *was suspected or charged* with having any *connection with the clergy or chimney-sweeps.*

*Mister Harris*, the honest chimney-sweep, designated as a Bishop, said:—"What that ere *Gemmen* says is true; I wants to know why this here voman calls me a *Bishop*? I gets my living honestly as a sweep, and not as a Bishop, and I keeps a wife and five children; and though I bees always called a *clergyman* and belonging to the *cloth*, and that ere sort of things, I be no Bishop—and I never in my born days was disrespected as a Bishop till this here business at Marlborough-street Office took place, and I was no more concerned in that job than any of your Honours."

Mr. Halls assured the clergyman that he was not suspected of being a Bishop, upon which *Mister Harris* proceeded by stating in his own manner, that he and all those of his business could not now walk the streets without having the term "*Bishop*" applied to them, which, from a recent transaction, he considered *most disgraceful to his profession* as a chimney-sweep, and concluded his oration by saying:—"I gets my living by vorking, and not like a Bishop, and I claims your Honour's protection against that ere vile vord."

This is descriptive of the state of things in which we are. And, now, what have you *gained* by the long and dreadful strife against *Jacobins* and *Radicals*? The

whole fight has been a *fight against reform*. Do you think, that the nation does not see this?

The consequence is, that the people rejoice in *every thing*, be it what it may in its own nature, *that tends to pull down those who have kept reform from them.*

This is, or, at least, it *was*, well worthy of your attention. The very affair, which I have now been remarking on, would, in former times, and only five years ago, have been seen with very different eyes than it is seen with at present. Millions who now laugh while they detest the offender, would, before, 1817, have been filled with sorrow, at this very transaction. If those who have it in their power *to give Reform* were *wise*, they would think of this; and would, in time, act accordingly. As to you, your day really seems to be passed.

The breach seems to be too wide, not between you and the people, but between you and the *fundholders*. There is no way, it appears to me, of satisfying both.

However, it is all your own affair. It is a thing in which the great body of the people have no other interest than that which is excited by a desire to see fair play. I now take my leave of you until some measure be proposed for reforming the affairs of the Church, which will be as soon as the Collective shall be again collected.

WM. CORBETT.

### SOLDIER DEAD FROM FLOGGING.

THIS is one of the most horrible things ever heard of in a "Christian" country. The *Morning Chronicle* has an excellent Article on the subject, but I have no room for it; nor have I, at present, room for any remarks of my own, in addition to those that I have made in the *Statesman*.—I take this opportunity (for want of a fitter place) to express my great satisfaction at the manner in which the public have shown their sense of the merits of the *States-*

*man*. They have not confined themselves to empty thanks; but have shown by the *increased demand for the paper*, that they are resolved, that there shall be *one daily paper* at any rate, on the fidelity of which reliance can be placed.

### INQUEST AT YORK.

FROM "THE YORK COURANT" OF  
TUESDAY, JULY 30th.

IN our last we stated that a Coroner's Inquest had been held by Mr. Cowling of this city on the previous Monday, (the 22d inst.) at the York Barracks, over the body of John Furnel, a private in the 2d or Queen's regiment of Foot, who had been flogged at Hull, and within one week afterwards removed to our Barracks, where he lingered in great torture till Friday week, when death closed his earthly sufferings. The inquest was, however, adjourned till yesterday, and we therefore were not able to give any official information on the subject in our last; but as it is our duty, we now lay the purport of the whole before the public.

The inquest on Monday week commenced at about half-past eleven in the forenoon, and the only witness then examined was Mr. Andrew Browne, a Surgeon in the 2d Dragoon Guards, now stationed in our Barracks, and under whose medical care the deceased had been placed on his arrival. The purport of his evidence was as follows—that the man had received 300 lashes for an offence at Hull, the exact nature of which he was not fully acquainted with; that about seven days afterwards, the regiment being removed to Ireland, the de-

ceased was conveyed to York on a baggage cart; that the deceased informed the witness, that a servant, whilst removing the port-manteau from the baggage cart, on the march, let it fall upon his back; that a mortification ensued, but that it ceased on the 11th; that had the man been able to have taken sufficient support, he might have recovered; that he believed he sunk under debility, which debility might have owed its origin to a three years' residence in the West Indies. He, however, acknowledged, that when the man was removed from Hull, the weather was extremely hot, and that he must have been much jolted on the baggage cart.

Colonel Kearney, of the Dragoons, now stepped forward and said, that in the absence of every one connected with the 2d Regiment of Foot, he was anxious to express his full conviction that the officers of that regiment were generally men of very kind and humane dispositions, and men who, he was quite certain, would not wilfully act a cruel part.

Two witnesses belonging to the 2d Regiment of Foot being expected from Ireland, the inquest was adjourned till Monday the 29th day of July, at two o'clock.

Before the Jury left the room, however, Mr. Browne, the surgeon, re-entered, and announced that he had just opened the body, and that he found the lungs in a state of putrefaction. On that account he wished the Jury to inspect the same, and give their opinion on the subject. Some of the Jury went up stairs, and one of them, on his return into the jury-room, stated, that the whole body was in a state of putrefaction, and therefore the lungs were so only as a natural result. He, however, added, *"that the man's bones were as bare of skin and flesh,*

*as if his back had been scraped with a knife."* The Jury then dispersed, and the remains of the deceased were interred in Fulford church-yard at two o'clock the same afternoon.

#### SECOND DAY, SATURDAY, JULY 27.

Although the Inquest had been adjourned to Monday, yet the witnesses having arrived on Friday, and expressed great anxiety to return to Ireland as soon as possible, Mr. Cowling summoned the Jury to assemble at three o'clock on Saturday afternoon, which they accordingly did, and the examination proceeded.

Andrew Browne, the Surgeon of the 2d Dragoons, not having opened the body when last examined, was now questioned relative thereto. His evidence, however, on the subject amounted to nothing; for he acknowledged that though he found the lungs in a state of disease, that might have occurred subsequent to the punishment.

Henry Waring, the Lieutenant and active Adjutant of the Second Regiment of Foot, deposed, that the said regiment was in the garrison at Hull, in June; and that on the 21st of that month, the deceased was tried by a Court Martial, "for a highly irregular and unsoldier-like conduct, in having in his possession a silver spoon or spoons, the property of the Officers' Regimental Mess, between the 1st and 14th of June, and offering to dispose of the same, knowing it or them to have been improperly come by." That the man was found *Guilty*, and sentenced to receive 300 lashes.—That the sentence being confirmed by the Commanding Officer, Lieut. Col. Jordan, it was carried into effect on the 22d of June. That no more lashes were inflicted than the sentence autho-

rized, and that the deceased was then sent to the hospital, which is about a mile from the garrison.—That on the 27th of June the regiment marched from Hull to York: that he rode on the baggage cart, but that he walked from York to the barracks.

Maurice Alexander, the Surgeon of the Second Regiment of Foot, confirmed the above, and said that only one sick man had been left behind, but that if he had thought the deceased unable to travel, he also should have been left. Witness examined the back of the deceased at Beverley, after the *first day's march* and dressed it.—He then appeared to be doing well.—After the *second day's march*, he saw the deceased at Market Weighton.—He then complained of his back, and, on examination, the witness found that a *mortification* had commenced, and that the deceased was labouring under a smart fever. The back of the deceased was dressed, and proper medicines were administered. The next morning the mortification had increased, but the fever had subsided—witness, however, did not know of any proper medical gentleman, (meaning, we suppose, an army surgeon,) under whose care he could leave the deceased, and he therefore was taken to York. The deceased complained of having received a hurt on the baggage cart—and the witness concluded by acknowledging that the weather was extremely hot during the march.

Thus closed the evidence, and the Jury, after due consideration, returned a *verdict*—THAT THE DECEASED RECEIVED THREE HUNDRED LASHES, AND THAT HE DIED OF THE SAME, AND OF THE FEVER, MORTIFICATION, AND DEBILITY, ARISING THEREFROM.

## THE BISHOP AND THE SOLDIER.

From "THE STATESMAN."

Thursday, August 1.

SIR,

Cloyne, July 25, 1822.

Understanding that some of the public prints have made a *serious mistake* in writing the title of *Cloyne* instead of *Clogher* in a late charge of a gross nature, against a Bishop, you will be pleased to remove any doubt, and rectify the mistake. The Bishop of Cloyne has not been in England this year, but constantly resident in his diocese, devising means for the support of the starving poor, and piously exercising the various duties of his sacred station.

I am, Sir,

Your obedient Servant,  
JAMES KINGSTON,  
Vicar-General of the Diocese of Cloyne.

This shows how necessary it was to *name* the party; and this we saw from the beginning. We are aware, that some persons may say, "Yes; but, if it had not been for you (who 'wish to overthrow 'the established authorities of the country') there would have been no need of saying any thing in the way of removing mistakes; for, the whole thing would have been *smothered*; and, perhaps, the *rumourers* might have had to suffer for *sedition and blasphemy*." Very well; but, the thing is *out*. It is *out*. Bottle it up, if you can.

It is a nice affair for summer reading. The trial will fill up a fortnight; and we shall see how the *Old-Times* will get on with that.

SIR, Dublin, July 24, 1822.

THE sensation of horror with which the account respecting the wretched Bishop of Clogher was received in this country, is not to be described. It was felt as a case peculiarly aggravated, in consequence of the prosecution which he instituted about five years since against his own coachman, who was charged with and found guilty of scandalizing him by the imputation of the crime in which he has been now detected. The man was sentenced to be publicly whipped; and such was the public indignation against the supposed falsehood and malignity of his offence, that the sentence was carried into effect against him with a vindictive severity that put a period to his existence. He was literally almost cut to pieces: and it was thought that he did not get half what he deserved. Do you not think that this is a case that peculiarly calls for public sympathy? If so, for God's sake make such a representation of it as may draw the notice of the generous and humane to the pitiable and forlorn condition of the widow and orphans of the unfortunate man, that some effort may be made to compensate them for the rest of their lives for the loss of a husband and father, and to make, as far as it is possible to do so, some amends for the ignominy and bereavement with which they have been so unjustly and cruelly visited.

Oh! It is the *Morning Chronicle* that is to do this! But where would have been the knowledge of the thing at all, if the conduct of the *Morning Chronicle* had been imitated, and its doctrine of

hushing had been adopted by the STATESMAN?—Thus have we here two most striking instances in proof (from the *Chronicle* itself) of the abominableness of its doctrine and the soundness of ours; of the badness of its conduct in this case, and of the goodness of ours.

#### Friday.

Every day brings something new to light on this horrid subject. The following Article from the *Dublin Herald*, of Friday last, appears to contain the truth with regard to the existence of Mr. Byrne, the unfortunate victim of the Bishop; but, we beg our readers to observe, not less the victim of that system of smothering which it has been our duty as it has been our pride, throughout this horrible affair to break through.

“As the pen has been employed on the monstrous and beastly deed perpetrated in London by one of our “Dignitaries” of the Church, a Member of the Society for discountenancing Vice, one of the Board of Education, a Bible Distributor, and a stanch hater of Popery, we feel it unnecessary to do more than advert to the detestable subject, in this place, for the purpose of saying a word, about poor unfortunate Byrne, who had languished in gaol for two years, and had been nearly flogged to death in our streets, through the perjuries of the



monster, who if he escape any worse punishment, is now at length consigned to lasting banishment and ignominy.

"There was a report that this innocent and grievously injured man was dead. He had suffered the agonies of a thousand deaths, but is still living—an extern or intern patient in Stephens's Hospital. His crime was the whispering of a report that the miscreant who is at length detected had attempted to perpetrate a certain atrocity in this country. For this he was tried and found guilty entirely on the evidence of the wretch, whose theatrical attitude in rising and calling on the God of truth and justice to hear his words, while he pledged himself before his country, and on the Holy Evangelists, that he had been falsely accused, has not yet left the minds of numerous citizens who were spectators.—The sentence was two years' imprisonment, and two or three floggings. The incarceration was fully completed and ended, and under one flogging he bled and tortured until the last spark of life and feeling had nearly become extinct. When he had recovered and was on the eve of getting a second flogging, a steward of the monster came to him, and offered a remission of the impending punishment, on the condition of Byrne's signing a written acknowledgment of his having been guilty of slander and falsehood. Who, that was not prepared to die of the agonies of the rack, could refuse a signature under such circumstances? The poor creature, it may be supposed, was not slow in putting his trembling hand to the paper—and he was *mercifully* spared a punish-

ment of which it was a thousand to one he would not have survived the infliction.

"How this hapless being had dragged out life since, we are not able to state. For aught we know, the ruin of character consequent upon a conviction such as his, compelled him to pick up his morsel in the streets. If there be an atom of feeling in a human being belonging to the monster, his days, shortened as they have been, will be rendered at least a little less miserable. We consider him an object deserving of general commiseration and sympathy, and we should be glad to forward, and to contribute to, a subscription set on foot for his relief. He is we learn, a native of Dundalk—and a man, though he had been a servant, of some education, and very decent parentage."

#### *Monday.*

The Soldier is still in prison, notwithstanding the *hint* of the *New Times*, that, "if bail were *offered* for him before the Sessions, it *must be taken*!" This is very true; but for the Soldier to be where the Bishop now is, there must be two things take place: he must get a *discharge*, or he must *desert*, and he must, after that, get a *passport*! These seem impossible; and, therefore, it is not likely, that the *hint* of Doctor STODDART will be attended with any other effect, than that of drawing down on the Doctor a

little more contempt than he had to support before.

We announced to the indignant public, in our very first article on this subject, that a man had been severely punished in Ireland for having charged this *same Bishop* with an attempt to commit a similar offence in that country. At last, the public have before it, and in the columns of the "*respectable*" corrupt press too, an account of the *trial* upon that occasion. *Justice* is now called for in behalf of the poor sufferer and his wife and children. We hope that *justice* may be obtained for them, as far as it is possible to do them justice. But if they do obtain it, whom will they have to *thank* for it? Not the "*respectable* part of the press;" not any of those, who, in *either* of the *places*, are usually so ready to *ask questions* for their own factional purposes; not "the zealous *Friends of the Queen*," who have, upon this occasion, been as silent as mice in cheese, and who appear to have a perfect tenderness for every thing belonging to *the regiment*. No: to none of these will BYRNE and his family owe *justice*, if they obtain it; but to *us*, and to *us only*. It is clear as daylight, that, if we had not, with resolute hand, stripped off the

veil, the thing would be *hidden for ever*; and, of course, BYRNE would have gone to his grave without any thing to rub out the marks of the lashes on his back.

We have now, one would think, a pretty good proof of the *utility*, of the *necessity*, of dragging such things to light; and an equally good proof of the unsoundness of that doctrine of the *Morning Chronicle* which would make us believe, that such things are to be *smothered*, because to communicate a knowledge of them produces more evil in the way of contamination than the punishment of them can do good in the way of terrific example. The *administration of justice*; impartiality here; justice to those who had been oppressed and scourged to varnish over the guilt of the new offending party; these do not seem to have at all entered into the view of the *Chronicle* upon this occasion. BYRNE may possibly now obtain justice in some shape or other; but, is it possible, that he ever could have obtained it, if the STATESMAN had, in this case, acted on the principle of the *Chronicle*?

It must have been known to many Members of both Houses of Parliament, that this trial took place in Ireland. Indeed, it has

now been known a fortnight to every man in London. This trial took place there *before* the Bishop was raised from the Bishopric of *Ferns* to that of *Clogher*! Here was a case, then! Take it altogether, *Soldier* and *Byrne* and *Bail*, and the rest of it, and who can remember such a case? Who can remember any thing so loudly calling for *Parliamentary inquiry*? How could any Minister have resisted inquiry, if it had been moved for? And yet, not a motion or question from any living soul.

However, there can now be no *smothering*. The whole will come out, *bail* and all, before the thing is over. The Public are, upon this occasion, much indebted to Mr. PARKINS, who has been laudably vigilant in watching the workings of the THING. The strange fact, stated by the *New Times*, that not a word of the matter reached Mr. PEEL's Office, till *after* the Bishop was at large, has *astounded* many persons! How the *passport* could have been so quickly obtained has been a subject of surprise with every

one. The reasons why the Bishop cannot be *brought back* do not appear *quite clear* to many persons. And it is by no means evident to all the world, that the Bishop was out of the country so soon as the "*respectable*" and corrupt press told us he was. However, *time* and our vigilance will clear all up. A trial in *open Court*, with the *bail openly called on* to produce the party or forfeit their recognizances; these will put us in possession of all that we shall want to know. The *trial* in a *cheap* form, circulated throughout the Kingdom, will finish the thing; and, never was there any more legitimate object for a *subscription* than that of causing a knowledge of this thing to be spread about. Men subscribe, and women too, to circulate lies and calumnies, under the name of *religious tracts*. Surely, we ought to subscribe to circulate *truth* with regard to those who thus subscribe. There will be time enough to adopt an effectual plan for this purpose: and, therefore, we quit the subject for the present.